

REMARKS

Claims 21-32 and 34-38 were presented and examined. In response to the Office Action, no claims are amended, cancelled or added. Claim 33 was previously cancelled. Claims 1-20 and 39-41 have been withdrawn from consideration. Claims 21-32 and 34-38 remain in the application. Applicants request reconsideration in view of the following remarks.

I. Telephone Communications with the Examiner

Applicants' Representative, Tong J. Lee (Reg. No. 48,582), spoke to Examiner David Rashid the week of October 12, 2009 to explain that a declaration of Dong Park was submitted to the USPTO on April 27, 2009. The declaration of Dong Kwon Park indicated that he "did not contribute to the portion of the ETRI publication that is relevant to any of Claims 1-38 of the present application." After a few days of consideration, the Examiner telephoned Tong Lee to indicate if a response to the outstanding Action is filed to refer to the previously-submitted declaration of Dong Kwon Park, he would be inclined to allow the application.

II. Claim Rejections under 35 U.S.C. §103

Claims 21-32 and 34-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Park, et al. "Efficient Use of Local Edge Histogram Descriptor", Proceedings ACM Multimedia 2000 Workshops, 11/04/00, ACM International Multimedia Conference ("Park"), in view of Won, et al. "Efficient Use of MPEG-7 Edge Histogram Descriptor", vol. 24, no. 1, February 2002 ("Won").

The declarations submitted on April 27, 2009 and July 31, 2009 show that the Won reference is Applicants' own work. The declarations of April 27, 2009 show that Dong Kwon Park, who is a co-author of the Won reference and is not the inventor of the present application, declares that he did not contribute to the portion of the Won reference (i.e., "the ETRI publication") that is relevant to the pending claims. The declarations submitted on July 31, 2009, including the five inventors of the present application, indicate that the portions of Won relevant to Claims 1-38 of the present application originated with or were obtained from the five inventors of the present application. Thus, these previously-submitted declarations indicate (i) Dong Kwon Park does not contribute to the subject matter of Claims 1-38 and (ii) Sung-Hee

Park, Myung-Gil Jang, Sang-Kyu Park (the three inventors who are not the co-authors of the Won reference) contribute to the subject matter of Claims 1-38.

Based on these declarations, the Won reference is Applicants' own work and, therefore, cannot be used as a prior art reference in the rejection of the pending claims.

Claims 22-32 and 34-38 depend from independent Claim 21. For at least the same reasons mentioned above, Won cannot be used as a prior art reference in the rejection of these dependent claims. Accordingly, withdrawal of the §103(a) rejection of Claims 21-32 and 34-38 is requested.

CONCLUSION


In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

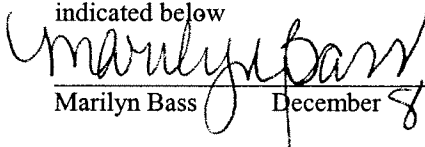
Date: December 8, 2009

By: 
Eric S. Hyman, Reg. No. 30,139

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF ELECTRONIC SUBMISSION

I hereby certify that this correspondence is being submitted electronically via EFS on the date indicated below


Marilyn Bass December 8, 2009